

1 STATE OF NEW HAMPSHIRE

2 SITE EVALUATION COMMITTEE

3 April 18, 2008 - 11:26 a.m.  
4 N.H. Public Utilities Commission  
5 21 South Fruit Street, Suite 10  
6 Concord, New Hampshire

7 In re: SITE EVALUATION COMMITTEE:  
8 Docket No. 2008-02: Public meeting  
9 regarding the promulgation of  
10 Organizational and Procedural Rules.

11 PRESENT: SITE EVALUATION COMMITTEE:  
12 Thomas S. Burack, Cmsr. Dept. of Environmental Services  
13 (Chairman of SEC - Presiding Officer)  
14 Thomas B. Getz, Chrmn. Public Utilities Commission  
15 (Vice Chairman of SEC)  
16 Graham Morrison, Cmsr. Public Utilities Commission  
17 Harry Stewart, Dir. DES - Water Division  
18 Allison McLean, Dir. Division of Parks & Recreation  
19 Amy Ignatius, Dir. Office of Energy & Planning  
20 Philip Bryce, Dir. Div. of Forests & Lands (DRED)  
21 Robert Scott, Dir. Air Resources Div. (DES)  
22 Brook Dupee Dept. of Health & Human Services  
23 Randall Knepper Public Utilities Commission

24 ALSO PRESENT: Michael Iacopino, Esq.  
Counsel for the Committee  
Suzanne G. Amidon, Esq. (N.H. PUC)

25 COURT REPORTER: STEVEN E. PATNAUDE, LCR No. 52

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## 1 P R O C E E D I N G S

2 CHAIRMAN BURACK: We're now going to  
3 proceed to Agenda Item Number 2, which is docket number  
4 2008-02, Promulgation of Organizational and Procedural  
5 Rules. So, the second item on our agenda is a public  
6 meeting regarding the promulgation of organizational rules  
7 and procedural rules for the Site Evaluation Committee. A  
8 duly noticed public hearing on the proposed rules was held  
9 on February 11th, 2008. Notice of today's meeting was  
10 published in the Manchester Union Leader on March 28,  
11 2008; in Foster's Daily Democrat on March 26, 2008; and in  
12 the Portsmouth Herald on March 27, 2008. And, at this  
13 point, I'm going to turn the discussion over to Vice  
14 Chairman Getz, who will lead the discussion regarding the  
15 proposed administrative rules and preside over the action  
16 to be taken by the Committee. Vice Chairman Getz.

17 VICE CHAIRMAN GETZ: Thank you, Mr.  
18 Chairman. In addition to the procedural history that  
19 Chairman Burack has just explained, I'll note that on  
20 December 13 the Committee voted to adopt the  
21 organizational and procedural rules as the -- there is a  
22 subcommittee comprising Commissioner Below, Director  
23 Ignatius, and Deputy Commissioner of DES, Michael walls,  
24 and I worked on the drafts of the rules, also considered

{SEC 2008-02 Re: Rules} (04-18-08)

1     the public comment and written comments we had received,  
2     and fashioned a draft that was -- included incorporation  
3     of some of those comments. And, Suzanne Amidon, from the  
4     PUC Staff, met with Scott Eaton from JLCAR regarding the  
5     rules.

6                     As a result of that meeting, and further  
7     changes were made to accommodate JLCAR comments, you have  
8     before you three chapters of the organizational rules, 200  
9     practice and procedural rules, and the 300 certificates of  
10    site and facility. And, the biggest structural change  
11    you'll see from what you last saw as the Initial Proposal  
12    is two chapters, rather than three, and that was at the  
13    recommendation of Mr. Eaton, which I think was a very good  
14    recommendation.

15                    CHAIRMAN BURACK: So, you say there are  
16    now three chapters, instead of two?

17                    VICE CHAIRMAN GETZ: Yes.

18                    CHAIRMAN BURACK: Okay.

19                    VICE CHAIRMAN GETZ: Basically, what had  
20    been the 200 rules were broken into two pieces, the 200  
21    and 300 rules, setting in the 200s be adjudicative  
22    procedural rules, and, in the 300s, basically what would  
23    be included in an application to the Committee. And, I  
24    think that should be helpful for potential applicants in

1 the future.

2 So, I guess, for today's business, it's  
3 open for discussion about any questions about how we got  
4 to these three chapters, has anybody noted any editorial  
5 or typographical concerns, or would suggest any changes or  
6 edits that would be proposed made to the draft Final  
7 Proposal that you have before you?

8 CHAIRMAN BURACK: Mr. Dupee.

9 MR. DUPEE: Thank you, Mr. Chairman.  
10 Just one comment on Page 3 of Part 103. Site 102.22,  
11 Subcommittee, there's just a typographical error that  
12 appears later on in that same sentence, but it's like  
13 "102.22 Transmission line". Looks like there's two  
14 definitions there.

15 VICE CHAIRMAN GETZ: Oh, yes, I thought  
16 that one actually had been -- let me go through this.  
17 There were a couple of changes that I noticed.

18 DIR. IGNATIUS: Mr. Chairman, before you  
19 go line-by-line, we have a paperwork problem.

20 VICE CHAIRMAN GETZ: Yes.

21 DIR. IGNATIUS: At least I do. I hope  
22 no -- others don't. My copy of the 300 rules just stops  
23 on Page 4, only part way into the Rule 301. Does that  
24 keep on going?

{SEC 2008-02 Re: Rules} (04-18-08)

1 VICE CHAIRMAN GETZ: Yes, there should  
2 be seven pages. So, if it says "301" --

3 DIR. IGNATIUS: All right. We've got  
4 some other people who have stopped too soon.

5 VICE CHAIRMAN GETZ: Okay. Let's go off  
6 the record.

7 (Off-the-record discussion ensued.)

8 CHAIRMAN BURACK: We'll go back on the  
9 record, and we're going to take up now consideration of  
10 the Chapter Site 100 Organizational rules.

11 VICE CHAIRMAN GETZ: Yes. Well, let me  
12 just say, with respect to -- so, what everybody should  
13 have in front of them with the 100s is a section on  
14 "Purpose and Applicability", "Definitions", "Committee  
15 Description" is Part 103, Part 104 is "Public Requests for  
16 Information". So, that's what should be the four  
17 sections. The one issue that I'm aware of is the same  
18 issue that Mr. Dupee noted is on, under "Definitions",  
19 Section "102.22 Subcommittee" had merged in it a section,  
20 the definition of "transmission line", which should be  
21 moved down and should be numbered "102.23" for  
22 "transmission line". So, if there's any other questions  
23 or issues about the 100, then -- Mr. Bryce, did you have  
24 something on the 100s?

{SEC 2008-02 Re: Rules} (04-18-08)

1                   DIR. BRYCE: I had sort of a question.  
2     And, that is under 103.02, regarding the subcommittee and  
3     the three members selected from the following, whether it  
4     was supposed to be one from each, or whether all three  
5     members could be from one of the agencies?

6                   VICE CHAIRMAN GETZ: Okay. So,  
7     actually, this should be 103.03?

8                   DIR. BRYCE: I'm sorry, 103.03, that's  
9     right.

10                  VICE CHAIRMAN GETZ: And, then, I think  
11     it repeats the word in the statute, the language in the  
12     statute, but let me check the language in the statutes.

13                   (Off-the-record discussion ensued.)

14                  CHAIRMAN BURACK: All right. We will go  
15     back on the record.

16                  VICE CHAIRMAN GETZ: And, I'm trying to  
17     find the statutory reference with respect to the  
18     composition of the subcommittee.

19                  DIR. SCOTT: I have it, if you need it.

20                  CHAIRMAN BURACK: What's the statutory  
21     reference, Bob?

22                  DIR. SCOTT: Oh, I'm sorry I was looking  
23     at Chapter 1 -- okay, so it's 162-H:4, Subpart V, Subpart  
24     (b).



1                   VICE CHAIRMAN GETZ: And, the language  
2       there says "The subcommittee shall include the chairperson  
3       or vice chairperson, and at least three members selected  
4       from among the Department of Environmental Services, the  
5       Department of Resources & Economic Development, and the  
6       Fish & Game Department. So, the rule reflects what's in  
7       the statute.

8                   Mr. Bryce, your question is to the  
9       interpretation of the "at least 3 members" portion, is  
10      that your question?

11                  DIR. BRYCE: Yes. And, whether or not  
12      it would -- you could select all three members from any  
13      one of the agencies?

14                  VICE CHAIRMAN GETZ: Which, as I read  
15      the rule, there's no prohibition on that. That,  
16      theoretically, there could be three members from DES or  
17      three members from DRED, and could be three members from  
18      Fish & Game. But the statute doesn't say anything further  
19      in terms of "there has to be at least one person from each  
20      of those agencies", for instance.

21                  DIR. SCOTT: All right. Thank you.

22                  VICE CHAIRMAN GETZ: Ms. Amidon.

23                  MS. AMIDON: Thank you, Chairman Getz.

24      I missed some of the conversation about the 100 rules,

{SEC 2008-02 Re: Rules} (04-18-08)

1 but I did want to mention, other than editorial changes,  
2 that on Page 2, at 102.12, the definition of "party",  
3 there was a sentence added indicating that "a party  
4 includes intervenors", the statutory reference should be  
5 "RSA 541-A:33, II".

6 The only other addition that was made to  
7 the Organizational rules was, and I'm hoping this is in  
8 your copy, if it's not, I asked my assistant to bring  
9 copies down, was this -- is it called the "TTY New  
10 Hampshire Relay Number", that was added to 104.01,  
11 regarding "Requests for Committee Records". Is it not in  
12 your copy?

13 CHAIRMAN BURACK: That does not appear  
14 in the copy that I have. Can you tell us what that number  
15 is or we can just have that added in the final version  
16 here. So, --

17 MS. AMIDON: Right. This is Jennifer  
18 Ducharme, who is helping me. This should be the right  
19 copy, let me just double check. This is the copy,  
20 unfortunately, I don't know how the copies were selected  
21 this morning, and that, again, I apologize to the  
22 Committee for that, but this copy should include the  
23 change I just mentioned. Which is -- It's a DES TTY  
24 number.

1 MR. DUPEE: Mr. Chairman.

2 VICE CHAIRMAN GETZ: Mr. Dupee.

3 MR. DUPEE: Just a quick note, on Page 3  
4 of revised 100s, I don't think -- there should be  
5 "102.23", yours still has "102.22".

6 MS. AMIDON: And, I did notice that,  
7 note that in my edits for this section. It was -- I also  
8 have a couple places where there are spaces. And, I  
9 omitted -- I didn't want to inform the Committee of every  
10 instance where I saw something like that. But thank you  
11 very much, I will make sure that's corrected.

12 CHAIRMAN BURACK: Okay. If I may,  
13 Chairman Getz, a query for you with respect to the  
14 provision we were looking at relating to the makeup of the  
15 subcommittee. Is the size of the subcommittee, in fact,  
16 five -- four members or is it intended to be -- required  
17 to be larger than that?

18 VICE CHAIRMAN GETZ: The statute says  
19 that "the chairperson shall designate a subcommittee of no  
20 fewer than seven members".

21 CHAIRMAN BURACK: Okay.

22 VICE CHAIRMAN GETZ: And, that's the  
23 statutory reference. And, I guess, you know, some of the  
24 issues, with respect to -- that flows throughout these

1 rules is how much of the statutory language do you repeat  
2 in the rules when there's, you know, numerous references  
3 to the statute, and, of course, the statute would be  
4 controlling. We could add to 103.03 an additional  
5 sentence repeating what's in the statute, that "the  
6 subcommittee shall comprise no fewer than 7 members."  
7 That could easily be added to 103.03.

8 MS. AMIDON: And, Chairman Getz, I have  
9 a recommendation. In (a), you could say "A subcommittee  
10 of no further than 7 members shall be created for each  
11 application".

12 VICE CHAIRMAN GETZ: Mr. Bryce.

13 DIR. BRYCE: Yes. If the statute, this  
14 restricts -- does the statute restrict the membership of  
15 the subcommittee to those three departments?

16 VICE CHAIRMAN GETZ: Yes, that's the  
17 exact statutory language that I read earlier is what's  
18 repeated here in Section (b) of the rule.

19 DIR. BRYCE: So, like some of our other  
20 colleagues on this committee cannot be on it?

21 VICE CHAIRMAN GETZ: No, no, no. At  
22 least three members have to be from those. The general  
23 rule -- I'm sorry, let's get one person at a time. The  
24 general rule, it has to be at least seven people.

1 DIR. BRYCE: Okay.

2 VICE CHAIRMAN GETZ: One of those  
3 persons has to be either the chair or the vice chair of  
4 the Committee, and at least three of those people have to  
5 be from those designated agencies. So, that means that  
6 four of the seven spots are reserved.

7 DIR. BRYCE: Okay.

8 VICE CHAIRMAN GETZ: And, then --

9 DIR. BRYCE: Appreciate that. Thank  
10 you.

11 VICE CHAIRMAN GETZ: Okay.

12 DIR. IGNATIUS: Well, could I ask a  
13 clarification of that, because that's a different answer  
14 than what we talked about before, and maybe we need to  
15 look back at the statute again. Earlier Mr. Bryce had  
16 asked, "could you put three people from one agency under  
17 that Section (b)?" And, the answer was "yes". And, then,  
18 just a moment ago Chairman Getz said "at least three of  
19 the people have to be from those agencies", which is a  
20 little different.

21 VICE CHAIRMAN GETZ: Well, --

22 DIR. IGNATIUS: And, I'm not sure what  
23 the statute meant, maybe we can look at the statute again.

24 VICE CHAIRMAN GETZ: At least three of

1 the members of the subcommittee have to come from the  
2 three agencies that are set forth in Subsection (b) of  
3 what is 103.03 now. So, to satisfy the minimum  
4 requirement under (b), hypothetically, you could pick  
5 three persons from DES, then you add that to the chair or  
6 vice chair, you have four members. There are three,  
7 minimum three seats that have to be filled at that time.  
8 Conceptually, then you could take three people from DRED  
9 or you could take, you know, three people from the PUC. I  
10 mean, there's no constraint on where those other three  
11 people would come from, once you satisfied that you have  
12 at least three people from DES, Resources & Economic  
13 Development, and Fish & Game.

14 CHAIRMAN BURACK: And, Mr. Chairman, am  
15 I correct in understanding that these members of the  
16 subcommittee, in the case of a renewable energy facility,  
17 could be somebody designated within any of the departments  
18 that are represented here? They do not necessarily have  
19 to be those who normally sit here?

20 VICE CHAIRMAN GETZ: When the statute  
21 says "with the exception of the chairperson or vice  
22 chairperson", so neither you nor I are getting out of  
23 this, "each member of the Committee may designate an  
24 employee from his or her agency to assume his or her

1 responsibilities as a subcommittee member for the purposes  
2 of this subparagraph, provided that such designee shall be  
3 a senior administrator within the agency, department, or  
4 division that the member represents under RSA 162-H:3."

5 CHAIRMAN BURACK: Okay.

6 VICE CHAIRMAN GETZ: So, it doesn't have  
7 to be the 14 members, though, the statute allows for some  
8 places for designations in the first instance. My  
9 recollection from the discussions of this bill at the  
10 Legislature, there was a concern about what would happen  
11 in the case of multiple overlapping renewable projects,  
12 this would allow some greater flexibility in who would be  
13 sitting on applications.

14 CHAIRMAN BURACK: Okay. Thank you for  
15 that clarification. So, is it agreed that you're going to  
16 insert, in 103., I believe it's -- is it 03 or 02, oh,  
17 103.03(a), so it would read "A subcommittee of no further  
18 than seven members shall be created"?

19 VICE CHAIRMAN GETZ: Yes.

20 CHAIRMAN BURACK: Okay. Thank you.

21 VICE CHAIRMAN GETZ: Any other issues in  
22 the 100s?

23 DIR. SCOTT: Mr. Chairman, procedurally,  
24 are we going to vote on these one at a time or as a block?

{SEC 2008-02 Re: Rules} (04-18-08)

1                   VICE CHAIRMAN GETZ: Yes, why don't we  
2 do them as a block, and then just try and work through  
3 each chapter. Okay. Taking a look at the 200s, these are  
4 issues that I am aware of, and then I'll give Ms. Amidon  
5 an opportunity if there's other things that she's noticed.  
6 One issue, in 202.05, which should read "Filings and  
7 Applications", it says "an original and 15 copies of all  
8 filings and applications shall be made". There is a  
9 suggestion to increase -- two suggestions. One is to  
10 raise the number from 15 --

11                  CHAIRMAN BURACK: Just, I'm sorry to  
12 interrupt you here, I think we still have some  
13 disagreements in the versions of this document that we  
14 have here. Because one of the versions of this document  
15 -- well, maybe we should just go off the record again here  
16 to straighten this out. Let's just go off the record.

17                               (Off-the-record discussion ensued.)

18                  VICE CHAIRMAN GETZ: Okay. Let's go on  
19 the record and try again here. I apologize, I'm not sure  
20 what happened with these various versions. But this is  
21 how the 200s should look. And, I think you should have  
22 about 98 percent of it. But there is a Part 201 that says  
23 "Public Information Hearings", and it has two subsets; one  
24 is "public information hearings" and one is "informational



1 meetings". And, that's the distinction between the  
2 "public information hearing", where the Committee goes out  
3 to the location, as distinct from an adjudicative hearing,  
4 and it also deals with the "informational meeting", which  
5 the applicant has to require under the statute. Then, we  
6 go to 202, Part 202 is "Adjudicative Proceedings"; Section  
7 .01 is "Adjudicative Hearing", Section 02 is "Presiding  
8 Officer", Section 03 is "Withdrawal of Presiding Officer  
9 or Committee Member", Section 04 is "Appearances and  
10 Representation". Where it looks like there's some  
11 confusion is Section 05 should be "Filings and  
12 Applications". That is, in part, may be reflected in what  
13 you're seeing as .23, and it's more than just an address,  
14 and it sets the general rule that says "an original and 15  
15 copies of all filings and applications shall be made to  
16 the following address". And, that's somewhat in reference  
17 to the succeeding Part 06, "Format of Documents", that  
18 says -- which you should have, says "All correspondence,  
19 pleadings, motions, petitions or other documents" shall  
20 have the aspects described beneath there.

21 With respect to "Filings and  
22 Applications" and the "original and 15 copies", which  
23 shows that somebody actually got this, it was a data  
24 request from DES saying "can we raise the number from an

1 original and 15, because there are other persons who may  
2 need copies?" I think the proposal now would be that it  
3 be "an original and 17 copies of all filings and  
4 applications", which should be the general rule. Which I  
5 think it might be helpful to insert in that section an  
6 exception, in the case of filings and applications for a  
7 renewable facility, which there are roughly half the  
8 members that there would be on the Committee for a bulk  
9 power or energy facility. So, in the case of a renewable  
10 facility, I would suggest that we say "an original and 10  
11 copies". So, that's how we would -- I would propose we  
12 handle that section about the general rule on numbers of  
13 copies and where they get sent.

14 Now, that also does not -- that  
15 addressed what comes to us in the first instance. With  
16 respect to other parties to a proceeding, that will be  
17 taken care of under appearances and through a prehearing  
18 conference, that, once a proceeding starts, then all  
19 parties need to serve each other with copies. This just  
20 handles the formalities of what comes to us.

21 So, then, the next thing you see should  
22 be 06, "Format of Documents", 07 should read "Service of  
23 Documents", 08 "Computation of Time", 09 "Notice of  
24 Hearing, .10 is "Prehearing Conference", .11 is

1 "Intervention", 12 is "Discovery", 13 is "Site  
2 Inspections", and this represents some language suggested  
3 by parties or comments we received in the hearing, and as  
4 well as comments from JLCAR. And, this is historically  
5 what has been the practice, but I don't think it was ever  
6 recorded anywhere. But, when the Committee would go out  
7 for the informational hearing, it's typically included a  
8 site visit at the time. And, the language proposed by  
9 JLCAR was to call it a "site inspection". Section 14 is  
10 "Motions and Objections", 15 is "Waiver", a general waiver  
11 provision, 16 is "Postponements", 17 is "continuances", 18  
12 is "Record of the Hearing", 19 is "Burden and Standard of  
13 Proof", 20 is "Order of Proceeding". And, I think you may  
14 see there that there's, in 202.20(c), there's a stray  
15 period that needs to be excised. 21 is "Testimony", 22 is  
16 "Prefiled Testimony", 23 is "Evidence", 24 is "Public  
17 Statements". This is thinking about what should -- what  
18 can be said at both the public informational hearing and  
19 at a hearing or a prehearing conference that we hold as  
20 part of the proceeding. Written -- 25 is "Written  
21 Information and Reports", and that's the separate  
22 statutory requirement under 162-H:10, that basically  
23 allows any party to submit written information or reports  
24 at just about any time during a proceeding. Ms. Ignatius?

1 DIR. IGNATIUS: I think we just went  
2 astray again --

3 DIR. McLEAN: Yes.

4 DIR. IGNATIUS: -- or I lost track of  
5 where you were. After "Public Statements" --

6 VICE CHAIRMAN GETZ: Well, does your  
7 "Public Statements" have four subsections?

8 DIR. IGNATIUS: (a) through (e).

9 VICE CHAIRMAN GETZ: Well, yes.  
10 "Public" -- That section was conflated in a way that it  
11 was broken out to recognize there's two separate things  
12 that were unfortunately melded in that one section. There  
13 are the public statements that individuals or parties can  
14 make, either at a public statement hearing or the practice  
15 has been at hearings of the Committee, as opposed to the  
16 specific provision under 162-H:10 about written  
17 information and reports. So that, what you're probably  
18 looking at, was divided into two separate and distinct  
19 pieces.

20 MS. AMIDON: Mr. Chairman, there may be  
21 --

22 VICE CHAIRMAN GETZ: Is there even more  
23 changes in that?

24 MS. AMIDON: Well, do you all have the

1 section that has the address where things should be filed?

2 CMSR. MORRISON: Yes. That's 202.23.

3 MS. AMIDON: I don't know what --

4 VICE CHAIRMAN GETZ: Well, that section  
5 on "Filings and Applications" has been moved up to the  
6 front.

7 MS. AMIDON: That's what I recall as  
8 well.

9 VICE CHAIRMAN GETZ: And expanded to  
10 include the general rule on not only where things go, but  
11 how many copies of things come in to the Committee.

12 DIR. IGNATIUS: Mr. Chairman, the 25  
13 that a number of us have is (a) through (e), and then you  
14 go to 26, which is "Closing the Record". And, so, there  
15 is something broken out that our version doesn't break  
16 out.

17 VICE CHAIRMAN GETZ: Right.

18 MS. AMIDON: Right.

19 VICE CHAIRMAN GETZ: And, that's what  
20 I'm trying to get to, is what you're seeing as "Public  
21 Statements" has now been broken into two sections. There  
22 is a section "Public Statements", that basically includes  
23 what you're seeing as (a) and (b), and there's a new  
24 section called "Written Information and Reports" that

1 combines what you're seeing as --

2 CMSR. MORRISON: (c).

3 VICE CHAIRMAN GETZ: -- (c) and (d).

4 And, what you're seeing as the (e) has been dropped out,  
5 because that's just a -- I think it's an administrative  
6 matter of how the, you know, the Committee and DES will  
7 post things on the website, but doesn't go really to the  
8 substantive rule about what can or cannot be done under  
9 162-H:10.

10 DIR. IGNATIUS: Thank you.

11 MS. AMIDON: Mr. Chairman, I think I  
12 understand what the problem might have been. And, I think  
13 that when this was converted to fixed or fixed text, I  
14 think that something -- I think, in changing this, Lori  
15 must have done something which removed some of these  
16 changes that we made. I'm not quite sure what happened,  
17 but I think that must have been what happened, looking at  
18 this, because we made those changes.

19 VICE CHAIRMAN GETZ: Yes, because I'm  
20 looking at them. So, after "Public Statements", there  
21 would be a section called "Written Information and  
22 Reports", which is breaking out from the previous set.  
23 There's a section called "Closing the Record", which was  
24 26. There's a section called "Reopening the Record",

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1       which should all be the same, 28 there would be the  
2       "Issuance or Denial of Certificate", 29 would be  
3       "Rehearing". And, the last section of this Part 202 would  
4       be Section 30, called "Ex Parte Communications  
5       Prohibited". All of that language should be identical to  
6       what you're -- okay. So, then, what -- do you have it on  
7       that subsection or are you going ahead?

8                     DIR. IGNATIUS: No, on this subsection.

9                     VICE CHAIRMAN GETZ: Okay.

10                    DIR. IGNATIUS: I just want to be  
11       certain, the numbering will shift in and out with the  
12       changes and we don't need to go through and, you know,  
13       "22" is now "23", I don't care about that. I just want to  
14       make sure that structurally the changes are that 202.23,  
15       "Filings and Applications", was expanded and moved to  
16       202.05?

17                    VICE CHAIRMAN GETZ: Yes.

18                    DIR. IGNATIUS: And, 202.25, "Public  
19       Statements", was broken apart into two sections, "Public  
20       Statements" and "Written Information and Reports", and  
21       that final Section (e) dropped out entirely?

22                    VICE CHAIRMAN GETZ: That's correct.

23                    DIR. IGNATIUS: There's no other  
24       insertions of sections into -- or deletions of any

1 sections within the 202 rules?

2 VICE CHAIRMAN GETZ: Except that what  
3 was substituted at 05, "Filings and Applications", what  
4 dropped out was a section talking about "designation of  
5 staff", which was something that the chairperson of the  
6 committee -- of DES has authority to do regardless, and it  
7 didn't seem that what had been a draft at a previous time  
8 added anything to what would be -- should be part of the  
9 200 rules.

10 DIR. IGNATIUS: Okay. Well, that makes  
11 sense, because your numbering was different from mine.  
12 So, the one called "202.05 Staff Participation" is now --

13 VICE CHAIRMAN GETZ: Deleted.

14 DIR. IGNATIUS: -- deleted entirely?

15 VICE CHAIRMAN GETZ: Yes.

16 DIR. IGNATIUS: Thank you.

17 DIR. SCOTT: Just, if it helps anybody,  
18 for clarification, I'm reading the same thing you are,  
19 Chairman Getz or Vice Chairman Getz. And, that's what was  
20 emailed yesterday to everybody. So, what was emailed  
21 yesterday, it seems to be correct.

22 MS. AMIDON: Something was done  
23 correctly.

24 VICE CHAIRMAN GETZ: All right. So,

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1       then, Mr. Scott, maybe you and I have the same piece of  
2       paper, what's next is Part Site should read "203  
3       Declaratory Rulings", some of you may have something  
4       that's numbered "202". There's no change to the text, but  
5       it should be "203" for the Part, and "203.01" and "203.02"  
6       for the subsets.

7                       And, there's the same issue under  
8       "Rulemaking", it should read "Part Site 204", and all --  
9       and the subsets should be "204.01", "02", "03", "04" and  
10      "05". And, under 204.03, "Requests to Committee for  
11      Rulemaking", the last lettered subsection says "(g)", and  
12      it should be (i).

13                     MR. KNEPPER: That one's correct.

14                     DIR. McLEAN: Got that. I got that one.

15                     VICE CHAIRMAN GETZ: Copesetic?

16                     MR. KNEPPER: Yes.

17                     VICE CHAIRMAN GETZ: And, so,  
18      fortunately, there are no -- yes. And, then, the last  
19      section should be "Site 205 Explanation of Proposed Rule",  
20      then the subsection should be "Site 205.01", same title.

21                     Any questions? And, oh, Ms. Amidon, did  
22      you have other edits or typos?

23                     MS. AMIDON: I just wanted to explain to  
24      the Committee that, initially, in the Initial Proposal,

1 the draft indicated that the committee or the subcommittee  
2 or the presiding officer would make certain rulings. And,  
3 upon my discussion with Scott Eaton, and looking at the  
4 kinds of things we're talking about, for example,  
5 procedural orders, what we did was strike "committee" and  
6 "subcommittee", and just said the "presiding officer". I  
7 think that there's, in "Prefiled Testimony", which is in  
8 -- my section is 202.22, in (b), there's an example where  
9 the "committee" and "subcommittee" language is still in  
10 there. And, I would propose we remove that and just say  
11 "presiding officer". I think there is one other instance,  
12 well, there are two other instances where this appears,  
13 and that is in connection with motions for -- or closing  
14 the record, that's 202.26(a), (b), (c), (d), we talk about  
15 the "presiding officer". And, then, in (e) I used the  
16 word "chairperson", and that should be "presiding officer"  
17 as well. So, I just wanted to let you know. And, if you  
18 have any questions about that particular recommendation,  
19 please ask me. But it was Scott's recommendation.

20 CHAIRMAN BURACK: Could you just clarify  
21 then, in 202.26(c) what the language change would be? It  
22 would be "If the other parties to the hearings have no  
23 objections or if the hearing officer determines"?

24 MS. AMIDON: Oh, I'm sorry, I said (e).

1 CHAIRMAN BURACK: (e), I'm sorry.

2 MS. AMIDON: In (e) of that section. It  
3 says "If any other party to the hearing requests the  
4 opportunity to cross-examine on the additional evidence or  
5 exhibits submitted", right now it says ", the  
6 chairperson", I would propose it say "the presiding  
7 officer".

8 VICE CHAIRMAN GETZ: Well, I think most  
9 of us already have "the presiding officer", but --

10 MS. AMIDON: Oh. I guess I fixed that,  
11 and I didn't have it in my copy. Great. I don't know  
12 what's going on here. But that's all I had.

13 VICE CHAIRMAN GETZ: Okay. Well, then,  
14 let's, if there is nothing else on the 100s or the 200s?

15 CHAIRMAN BURACK: Just a question here  
16 in 202.27(c), that begins with a reference to "the  
17 chairperson". Should that be "chairperson" or should that  
18 there be the "presiding officer", at least in the version  
19 that I have?

20 MS. AMIDON: "Presiding officer".

21 CHAIRMAN BURACK: Okay.

22 MS. AMIDON: And, maybe that's the one  
23 that I didn't fix, and I thought that I had to fix the  
24 other one. Sorry about that. This is going swimmingly.

1 VICE CHAIRMAN GETZ: Any others?

2 (No verbal response)

3 VICE CHAIRMAN GETZ: Okay. All right.

4 Let's take a shot at the 300s. And, the very first, and  
5 this, I think I probably mentioned this earlier, I think  
6 it's very helpful the way that Scott proposed it be broken  
7 up, and this is like what should be in an application.  
8 And, 301.01 Filing, (a) talks to an "original and 15  
9 copies", and so I think we should mimic what we did  
10 earlier in the 200s. So, the general rule should be  
11 "original and 17 copies", but except in the instance of a  
12 renewable facility it should be 10 copies. So, we can  
13 insert language to that effect.

14 So, what follows after that is  
15 Subsection 02, "Format of Application", --

16 DIR. IGNATIUS: Mr. Chairman, before you  
17 go ahead, should (b) be "15 copies" or should that also be  
18 changed to "17"?

19 CHAIRMAN BURACK: That should also be  
20 "17", I would suggest.

21 VICE CHAIRMAN GETZ: And, it looks like  
22 there's two periods at the end of that sentence, too.  
23 Maybe we ought to get rid of one of them.

24 DIR. IGNATIUS: Mr. Chairman, which

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1       period are you getting rid of?

2                               (Laughter.)

3                               VICE CHAIRMAN GETZ: Do you tend to the  
4       left or the right? The next, that's the 02, "Format of  
5       Application", 03, "Content", and which there are numerous  
6       lettered subsets that lays out what should be filed for  
7       each application, and then describes what -- some  
8       specifics that should be filed, depending on whether it's  
9       a transmission line, a renewable generation project, or an  
10      energy project. And, then, you get to Subsection 04 is --  
11      concerns "Exemption from Certificate Process", and then 05  
12      is a "Completeness Review for Bulk Power and Energy  
13      Facilities", while 06 is "Completeness Review for a  
14      Renewable Facility". And, they track each other in  
15      general respects, except that it recognizes a statutory  
16      difference in some parts about the timing that represents  
17      a difference in the underlying statute. And, then, Part  
18      302 is "Enforcement of Terms and Conditions", and there  
19      should be three subsets: 01, "Determination of a  
20      Violation", 02, "Revocation of a Certificate", and 03,  
21      "Emergencies", and all of those track the statutory  
22      language. And, I'm hopeful there's not a lot messed up  
23      there. Mr. Scott?

24                               DIR. SCOTT: Just a clarification. I'm

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1       showing, under 301.02 Format of Application, Subsection  
2       (c), it references "Site 201.04", and I'm not sure that  
3       exists.

4                   MS. AMIDON:  You're right.  I mean, I  
5       don't know if it does exist.  I'll double check and make  
6       sure it's the correct reference.

7                   DIR. SCOTT:  Thank you.

8                   MS. AMIDON:  Thank you.

9                   VICE CHAIRMAN GETZ:  That would probably  
10       correspond now to 301.03, wouldn't that?  Because I think,  
11       you know, maybe Mr. Iacopino, he remembers how this worked  
12       in the past, I think the rules were to try and -- that the  
13       application would mimic the numbering in the --

14                  MR. IACOPINO:  Right.

15                  VICE CHAIRMAN GETZ:  -- in the content  
16       section.

17                  MS. AMIDON:  Right.

18                  VICE CHAIRMAN GETZ:  So, that probably  
19       should change from 201.04 to 301.03.

20                  MS. AMIDON:  301.03.

21                  CHAIRMAN BURACK:  Notice just a missing  
22       word at the very end in 302.03(b).  The word "the" should  
23       be inserted before the word "holder".

24                  DIR. IGNATIUS:  Mr. Chairman?

1 VICE CHAIRMAN GETZ: Yes.

2 DIR. IGNATIUS: A similar small word  
3 that dropped out, 302.01(c), the last line on that Page 6,  
4 it should -- it says "until such time", and it should be  
5 "as the violation has been corrected".

6 CHAIRMAN BURACK: And, on that same  
7 page, in 301.06(e), "If the application is rejected as  
8 incomplete," insert the word "the", so it would be "the  
9 subcommittee will notify".

10 VICE CHAIRMAN GETZ: Well, actually,  
11 yes. We can take a couple minutes, folks, I mean, there's  
12 been a lot of changes to absorb here, unfortunately.

13 MR. KNEPPER: I have another one. I  
14 have 301.06, Section (f). "If the applicant is notified  
15 that its application is incomplete, the applicant may file  
16 a new application or complete", I think it's missing the  
17 word "application"?

18 VICE CHAIRMAN GETZ: Yes, because that  
19 should exactly mimic the language in 301.05(f), which is  
20 drawn from the statute. So, that's -- we should insert  
21 the words "the application".

22 DIR. IGNATIUS: And, later in that  
23 sentence it still looks a little messed up. "Receipt of  
24 notification of that the application is complete", so just

1 a little tightening up of the words. I think the "of" is  
2 misplaced, doesn't need to be there.

3 VICE CHAIRMAN GETZ: Yes, let's -- the  
4 two subsections (f) in 301.05 and 301.06 should be  
5 identical. So, the last section of both should say "The  
6 applicant may file a new application or complete the  
7 application within 10 days of receipt of notification from  
8 the Committee that the application is incomplete."

9 Mr. Dupee.

10 MR. DUPEE: Mr. Chairman, a question on  
11 usage on Page 6, 301.06, in (b), "Each implicated state  
12 agency", is that -- I'm just wondering if that's the  
13 correct adjective you're using there?

14 VICE CHAIRMAN GETZ: 301.06(b), I'll  
15 have to turn to the statute.

16 DIR. IGNATIUS: In 301.05, it uses the  
17 phrase "each agency" -- "state agency having  
18 jurisdiction".

19 VICE CHAIRMAN GETZ: Yes, what we're  
20 trying to do in 05 and 06, the statutes are different, and  
21 so we're trying to copy the --

22 MR. DUPEE: "Each agency shall notify",  
23 something to that effect.

24 MS. AMIDON: Well, it says "shall" --



1 I'm trying to make sure that this is -- I don't think  
2 that's -- I think that this may have been something that  
3 was in the original draft that I received, but I don't see  
4 that necessarily, and I'm going to ask Attorney Iacopino  
5 to help me, whether the application for certificate,  
6 whether this review section would apply to renewable  
7 energy facilities, because essentially that's what this  
8 is?

9 MR. IACOPINO: I think that the new  
10 Section 162-H:6-a, new section of the statute, requires  
11 the chairperson to forward to each of the other state  
12 agencies having jurisdiction under state or federal law.

13 MS. AMIDON: Yes, it is from the  
14 statute. It doesn't say "implicated state agency", it  
15 says "state agency having jurisdiction".

16 CHAIRMAN BURACK: So, it could be --  
17 what (b) could say is "Each state agency that receives an  
18 application pursuant to 301.06(a) shall conduct a  
19 preliminary review"?

20 MS. AMIDON: I think that would do it.

21 VICE CHAIRMAN GETZ: Yes. Mr. Knepper?

22 MR. KNEPPER: I think, on my copy of  
23 301.05, Section (g), the last sentence: "If the  
24 application is not complete, the committee shall notify

1     the applicant" or is it "the chairperson" or "the  
2     presiding officer"?

3                   VICE CHAIRMAN GETZ:  Yes, I think it's  
4     the difference there between the statutory language.  I'll  
5     have to check that again.

6                   MR. KNEPPER:  Because, in 301.06, it  
7     says, in "(g)", "the chairperson", so I didn't know --

8                   VICE CHAIRMAN GETZ:  Right, that's what  
9     the -- I want to make sure that the general language in  
10    162-H for bulk power and energy facilities, I want to  
11    check that against the new language about what happens in  
12    the context of renewables.

13                  MR. IACOPINO:  For the regular  
14    applications, under RSA 162-H:7, it talks about "the  
15    committee", not "the presiding officer".

16                  MS. AMIDON:  I also found that in RSA  
17    162-H:6, at III, it says "the committee shall decide  
18    whether or not to accept the application", it doesn't  
19    state who makes -- who notifies the applicant, but it does  
20    state "the committee".

21                  CHAIRMAN BURACK:  The Committee makes  
22    the decision, but the statute doesn't specify who provides  
23    notice, is that what you're saying?

24                  MS. AMIDON:  Correct.

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1                   CHAIRMAN BURACK: I would argue it's  
2     within our rulemaking authority to determine who would  
3     give the notice.

4                   MR. IACOPINO: Yes, there is a  
5     difference between the renewables and the energy  
6     facilities for that particular purpose.

7                   VICE CHAIRMAN GETZ: So, in 301.05, it  
8     should say "the committee", and in --

9                   MS. AMIDON: 301.06, "chairman or  
10    designee" -- or "presiding", is that what it is?

11                  VICE CHAIRMAN GETZ: So, are we good on  
12    that? That it should be -- what's the proposal, the  
13    "presiding officer" or "chairperson"?

14                  MR. IACOPINO: The statute, you're  
15    talking about the renewables now?

16                  VICE CHAIRMAN GETZ: Yes.

17                  MR. IACOPINO: Is "the chairperson of  
18    the committee or designee shall decide whether or not to  
19    accept the application".

20                  CHAIRMAN BURACK: So, we would --

21                  MS. AMIDON: Leave that the same, if you  
22    want it go along with the statute.

23                  CHAIRMAN BURACK: Okay. So, we would  
24    leave 301.06(d) as it is --

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1 MR. IACOPINO: I think you have to --

2 CHAIRMAN BURACK: -- and then we would  
3 modify 301.06(e) to read "If the application is rejected  
4 as incomplete, the chairperson or designee will notify the  
5 applicant in a writing stating how the application is  
6 incomplete." Does that make sense to everybody?

7 VICE CHAIRMAN GETZ: Yes.

8 CHAIRMAN BURACK: All right. And, I did  
9 note, in 301.06(g), there's a comma missing in the second  
10 line, after the word "application".

11 MS. AMIDON: Noted.

12 MR. KNEPPER: Just a question. I want  
13 to make sure I'm interpreting that. Does that mean you  
14 have 14 days to notify the person that it's an incomplete  
15 application? Or is that just 14 days if it's a complete  
16 application or is it --

17 CHAIRMAN BURACK: Well, it seems to  
18 suggest and it seems to say that, if, again, if the  
19 applicant completes the application within the 10 day time  
20 frame, that is they have been given additional time to  
21 complete it, then no later than 14 days after its  
22 submittal, after receipt of the revised application, then,  
23 yes, the chairperson, and it probably should read  
24 "chairperson or designee", has to accept it if it's

1 complete. So, yes, the chairperson has to act within 14  
2 days from the time they get the new submittal. As long as  
3 they got it within that 10 day time frame, they have to  
4 act within 14 days. It's not clear as to what happens if  
5 they get it after the 10 day time frame. Is that what you  
6 were getting at?

7 MR. KNEPPER: That, as well as if it's  
8 incomplete, do they have to tell them within 14 days?

9 CHAIRMAN BURACK: Does the statute speak  
10 to this issue?

11 MS. AMIDON: Doesn't appear that the 14  
12 days is in the statute. I'm assuming that this is  
13 something that was --

14 VICE CHAIRMAN GETZ: From the previous  
15 draft rules?

16 MS. AMIDON: The previous draft, you  
17 know, maybe the interim rule that was adopted sometime  
18 ago, I mean that had expired sometime ago. But ten days  
19 is in the statute.

20 CHAIRMAN BURACK: Ten days isn't?

21 VICE CHAIRMAN GETZ: You said, Suzanne,  
22 that the ten days is in the statute?

23 MS. AMIDON: But it's --

24 MR. IACOPINO: It's in the statute

1 applying to the energy facilities, as opposed to  
2 renewables. It's in Section 7 of the statute, as opposed  
3 to 6-a.

4 MS. AMIDON: It would be reasonable to  
5 apply it to the other one, but, strictly speaking, it's  
6 not in this section.

7 VICE CHAIRMAN GETZ: So, it seems  
8 there's two issues. One is, how long does the applicant  
9 have to complete, which there is a statutory requirement  
10 of ten days for the bulk power and the energy facility,  
11 and it seems that we should apply the same standards to  
12 renewable. The second issue is whether we want to impose  
13 a 14-day time period for the Committee to act in both  
14 types of situations. That's not required by statute, so I  
15 guess it's the Committee's discretion if it wants to set a  
16 standard.

17 DIR. IGNATIUS: Mr. Chairman, the whole  
18 purpose of the renewable subsection was to expedite  
19 reviews, keep them moving as quickly as possible. So, I  
20 think it would be fair to impose no longer a limit than  
21 what is set for the other forms of applications. And, to  
22 put something -- I can't imagine it was anything more than  
23 an oversight to not have that spelled out in the statute.  
24 Certainly, there was no discussion about, that I can

1       remember from those hearings, about treating it  
2       differently. And, it would just go contrary to the whole  
3       purpose of why they were pushing for that statute to allow  
4       for, you know, 60 days to think about whether it was  
5       incomplete, if the purpose of it was to move it along  
6       faster or not bog down, compared to the regular forms of  
7       applications.

8                       VICE CHAIRMAN GETZ: But are you  
9       speaking to whether we should use -- impose the 14-day  
10      deadline for action --

11                     DIR. IGNATIUS: Yes. After the 10-day  
12      period to respond, then have the subcommittee have to act  
13      within 14 days to determine complete or still incomplete.

14                     VICE CHAIRMAN GETZ: Mr. Iacopino.

15                     MR. IACOPINO: I would note that the  
16      statute already, if you use the same 10 days as in the  
17      energy facility statute, it already gives the benefit to  
18      the applicant, because it's based upon the date of receipt  
19      of notification of rejection, not the date of actual  
20      rejection. And, so that there are a couple of days built  
21      in there so that the -- nobody's caught blind-sided. So,  
22      that would be a reason to mitigate in favor of the 10  
23      days, as opposed to a longer period.

24                     VICE CHAIRMAN GETZ: Well, I guess I

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1 would propose that we, you know, have parity between these  
2 two subsections. And, again, it looks like there's at  
3 least one clause dropped out that's not in the other. So,  
4 I would suggest that in both cases it read "If the  
5 applicant completes the application within the 10-day time  
6 frame", and this will differ between the two, "the  
7 Committee" or "the chairperson or designee shall, no later  
8 than 14 days after receipt of the revised application  
9 accept the application if it is complete. If the  
10 application is not complete, the Committee" or "the  
11 chairperson or designee shall notify the applicant in  
12 writing and instruct the applicant to file a new  
13 application." And, then there's parity between the two  
14 subsections.

15 Other suggestions?

16 DIR. IGNATIUS: Mr. Chairman, I have a  
17 substantive one that I know we discussed it in an earlier  
18 hearing, and I apologize, I can't remember, I thought we  
19 had agreed to adopt it, to include it, and I don't think  
20 it's in here. That was whether notification should be  
21 made to the Historic Resources people when a filing is  
22 first made, so that they are able to get involved earlier  
23 in the game. They don't have jurisdiction in the formal  
24 sense of as a sitting member of this Committee, but they

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1     have to -- they have a role to play in the proceeding and  
2     can do quite a lot to impose new conditions on an  
3     applicant, if there's historic resources present on the  
4     site. And, so, I thought we had been asked to make a  
5     provision that they get an informational copy, and  
6     continue to receive copies of documents as they come in,  
7     so that they weren't caught at the last minute trying to  
8     catch up and read through stacks and stacks of materials.

9                     VICE CHAIRMAN GETZ: Yes, I think, and I  
10    do recall, and I think the way to address that may be in  
11    301.01(c). It says "the chair" -- And, under that  
12    section, it says "The chairperson shall (1) Acknowledge  
13    the receipt of the application in writing", and "(2)  
14    forward a copy of the application and acknowledgment to  
15    each member of the committee", and add there a phrase  
16    saying -- now, is this a subset of cultural resources?

17                    DIR. IGNATIUS: Yes.

18                    CHAIRMAN BURACK: Yes.

19                    VICE CHAIRMAN GETZ: Then, we'll add the  
20    language that it goes to, and I always forget the precise  
21    name of that agency -- of that --

22                    CHAIRMAN BURACK: Division of Historic  
23    Resources of the Department of Cultural Resources, I  
24    believe.

1 VICE CHAIRMAN GETZ: Okay.

2 CHAIRMAN BURACK: I believe that's  
3 correct.

4 VICE CHAIRMAN GETZ: Okay. Well, we can  
5 check on that and add it to 301.01(c)(2).

6 CHAIRMAN BURACK: If that's the case,  
7 then I would suggest that, instead of it being "17 copies"  
8 and "10 copies", it needs to be "18 copies" and "11  
9 copies", wherever we have those copy numbers in here.

10 VICE CHAIRMAN GETZ: Okay. Other  
11 issues?

12 CHAIRMAN BURACK: On the issue of copies  
13 generally, do we feel that the chairperson or presiding  
14 officer would have the authority, and perhaps it exists  
15 through the service list, to require additional copies of  
16 documents to be provided beyond the 18 or the 11?

17 VICE CHAIRMAN GETZ: Yes. I think that  
18 the presiding officer or if counsel is designated at a  
19 prehearing conference, then case-specific requirements can  
20 be directed.

21 CHAIRMAN BURACK: Okay. Thank you.

22 VICE CHAIRMAN GETZ: Anything else?

23 Mr. Dupee.

24 MR. DUPEE: Mr. Vice Chair, just a

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1 question as to where these rules stand in the process of  
2 JLCAR. Have they reached the point where they have been  
3 formally evaluated by JLCAR staff? Is that what happened  
4 the other day?

5 VICE CHAIRMAN GETZ: Yes. Well, after  
6 the vote today, they will go to -- well, JLCAR staff has  
7 seen it.

8 MR. DUPEE: Formally?

9 VICE CHAIRMAN GETZ: And, if we vote  
10 today to approve, then they will go to JLCAR and the  
11 Committee --

12 MS. AMIDON: Right. Just to clarify  
13 things, I was instructed to meet with Scott Eaton, because  
14 he had some annotations. And, we went -- I discussed the  
15 annotations with him. And, where it was appropriate to  
16 respond to his annotations, I did. And, for the most  
17 part, I did address his issues. One -- An example of  
18 where I didn't address the issue is the esthetics, "what  
19 do you mean by "esthetics"?" And, I was reluctant to  
20 narrow any of those criteria, because, if you narrow it,  
21 then there's going to be someone who will say "it's  
22 broader than that", that, you know, natural resources are  
23 broader than some designation that you might have from the  
24 Department of Environmental Services or other resources.

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1       So, yes. Now, what will happen is, if the Committee  
2       approves this final proposal, is then it would formally go  
3       for a review. And, my intent in meeting with Scott Eaton  
4       beforehand was to try to prevent this committee from  
5       having to have too many additional meetings with, you  
6       know, prevent the preliminary objection from coming from  
7       the Committee. Hopefully, with what was done today, we  
8       can proceed and get an approval from the Committee, so  
9       that this Committee can then move to adopt.

10               MR. DUPEE: Okay. So, then, you've gone  
11       through -- you've received formal comments back from JLCAR  
12       staff, and you've then met with them and addressed those  
13       comments you felt you could?

14               MS. AMIDON: Yes.

15               MR. DUPEE: Thank you.

16               VICE CHAIRMAN GETZ: Other issues?

17               (No verbal response)

18               CHAIRMAN BURACK: I'm happy to make a  
19       motion, if everybody is comfortable with where we are?

20               (No verbal response)

21               CHAIRMAN BURACK: I would move to adopt  
22       as proposed final rules the rules that we have reviewed  
23       today, with revisions to reflect today's discussed  
24       changes, and authorizing Vice Chairman Getz to make any

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1 further technical changes necessary to conform these rules  
2 with statutory requirements or make other corrections as  
3 needed.

4 CMSR. MORRISON: I second.

5 VICE CHAIRMAN GETZ: Okay. Any  
6 discussion?

7 (No verbal response)

8 VICE CHAIRMAN GETZ: All those in favor,  
9 signify by saying "aye"?

10 (Multiple members indicating "aye".)

11 VICE CHAIRMAN GETZ: Opposed?

12 (No verbal response)

13 VICE CHAIRMAN GETZ: I note that it's  
14 unanimous. I want to thank everyone for their patience in  
15 going through this, what began this morning and is now  
16 this afternoon.

17 CHAIRMAN BURACK: Did we -- There was,  
18 as far as we understand, no member of the public who  
19 wished to comment on this. So, -- Okay. Very good.

20 MR. PATCH: The only thing I could think  
21 to say is that it reminds me of that famous quote "If  
22 people knew how rules and sausages were made, they would  
23 stay away from both."

24 (Brief off-the-record comment.)

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1                   CHAIRMAN BURACK: I want to thank  
2       everybody for being here today. This will close today's  
3       meeting and consideration of docket number 2008-02. We  
4       stand adjourned.

5                   (Whereupon the meeting was adjourned at  
6                   12:54 p.m.)

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